

I.C.R. 57. Uniform Post-Conviction Procedure Act.

Idaho Criminal Rule 57. Uniform Post-Conviction Procedure Act.

(a) Application for relief. An application for relief from a judgment of conviction and/or sentence shall be in the form of a petition and shall be filed in the district court wherein the conviction was entered and be in substantially the following form:

[Click here](#) [1] for form.

(b) Filing and processing. The petition for post-conviction relief shall be filed by the clerk of the court as a separate civil case and be processed under the Idaho Rules of Civil Procedure except as otherwise ordered by the trial court; provided the provisions for discovery in the Idaho Rules of Civil Procedure shall not apply to the proceedings unless and only to the extent ordered by the trial court.

(c) Burden of proof. The petitioner shall have the burden of proving the petitioner's grounds for relief by a preponderance of the evidence.

(Adopted December 27, 1979, effective July 1, 1980.)

Source URL: <http://www.isc.idaho.gov/icr57>

Links:

[1] http://www.isc.idaho.gov/./rules/forms/ICR_57_Form.doc